

H.830

Introduced by Representatives Keenan of St. Albans City, Fagan of
Rutland City, and Parent of St. Albans Town

Referred to Committee on

Date:

Subject: Education; bullying

Statement of purpose of bill as introduced: This bill proposes to expand the
definition of “bullying” to include bullying by teachers, administrators, and
other school staff and to provide a process for an independent review of a
school’s investigation.

An act relating to bullying

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 16 V.S.A. § 11(a)(32) is amended to read:

(32) “Bullying” means any overt act or combination of acts, including
an act conducted by electronic means, directed against a student by another
student ~~or group of students~~, teacher, administrator, any other member of
school staff, and any group or combination of these individuals, and that:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

1 (C)(i) occurs during the school day on school property, on a school
2 bus, or at a school-sponsored activity, or before or after the school day on a
3 school bus or at a school-sponsored activity; or

4 (ii) does not occur during the school day on school property, on a
5 school bus, or at a school-sponsored activity and can be shown to pose a clear
6 and substantial interference with another student's right to access educational
7 programs.

8 Sec. 2. 16 V.S.A. § 570c is amended to read:

9 § 570c. BULLYING

10 (a) Policies and plan. The bullying prevention policy required by section
11 570 of this title and its plan for implementation shall include:

12 (1) a A statement that bullying, as defined in subdivision 11(a)(32) of
13 this title, is prohibited;

14 (2) a A procedure that directs students, staff, parents, and guardians how
15 to report violations and file complaints;

16 (3) a A procedure for investigating reports of violations and complaints;

17 The procedure shall provide that, unless special circumstances are present and

18 documented by the school officials, an investigation is initiated no later than

19 one school day from the filing of a complaint, and the investigation and

20 determination by school officials are concluded no later than five school days

21 from the filing of the complaint with a person designated to receive complaints

1 under subdivision (7) of this subsection. All internal reviews of the school's
2 initial determination, including the issuance of a final decision, shall, unless
3 special circumstances are present and documented by the school officials, be
4 completed within 30 days after the review is requested.

5 (4) ~~a~~ A description of the circumstances under which bullying may be
6 reported to a law enforcement agency;

7 (5) ~~consequences~~ Consequences and appropriate remedial action for
8 ~~students~~ individuals who commit bullying; At all stages of the investigation
9 and determination process, school officials are encouraged to make available to
10 complainants alternative dispute resolution methods, such as mediation, for
11 resolving complaints.

12 (6) ~~a~~ A description of how the school board will ensure that teachers and
13 other staff members receive training in preventing, recognizing, and
14 responding to bullying; ~~and.~~

15 (7) ~~annual~~ Annual designation of two or more people at each school
16 campus to receive complaints and a procedure both for publicizing the
17 availability of those people and clarifying that their designation does not
18 preclude a student from bringing a complaint to any adult in the building.

19 (b) Independent review.

20 (1) A student who desires independent review under this subsection
21 because the student is either dissatisfied with the final determination of the

1 school officials as to whether bullying occurred or believes that, although a
2 final determination was made that bullying occurred, the school's response was
3 inadequate to correct the problem shall make such request in writing to the
4 headmaster or superintendent of schools. Upon such request, the headmaster
5 or superintendent shall initiate an independent review by a neutral person
6 selected from a list developed and maintained by the Secretary of Education.
7 Individuals shall be placed on the list on the basis of their objectivity,
8 knowledge of bullying issues, and relevant experience.

9 (2) The independent review shall proceed expeditiously and shall consist
10 of an interview of the student and the relevant school officials and review of
11 written materials involving the complaint maintained by the school or others.

12 (3) Upon the conclusion of the review, the reviewer shall advise the
13 student and the school officials as to the sufficiency of the school's
14 investigation, its determination, the steps taken by the school to correct any
15 bullying found to have occurred, and any future steps the school should take.
16 The reviewer shall advise the student of other remedies that may be available if
17 the student remains dissatisfied and, if appropriate, may recommend mediation
18 or an alternative dispute resolution.

19 (4) The independent reviewer shall be considered an agent of the school
20 for the purpose of being able to review confidential student records.

1 (5) The costs of the independent review shall be borne by the public
2 school district or independent school.

3 (6) Nothing in this subsection shall prohibit the school board from
4 requesting an independent review at any stage of the process.

5 (7) Evidence of conduct or statements made in connection with an
6 independent review shall not be admissible in any court proceeding. This
7 subdivision shall not require exclusion of any evidence otherwise obtainable
8 from independent sources merely because it is presented in the course of an
9 independent review.

10 (8) The Secretary may adopt rules to implement this subsection.

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on July 1, 2016.